

roads and bridges are needed, but we need to figure out how they will be paid for. The massive tax hikes that the President has proposed are not a viable option. The burden will be borne by both American employers and workers.

In previous years, the vast majority of infrastructure funding came from the highway trust fund. Every State sends dollars to this fund, which finances infrastructure across the country. But the formula to distribute the funding is out of date and is facing serious deficits.

Making matters worse, Texans are getting short-changed and carrying the weight of these shortfalls, as a so-called donor State. We get 92 cents back on every dollar we send to Washington, DC.

That is not the same treatment for every State. In fact, we receive a lower rate of return than every other State. If we want to have any long-term success in maintaining our roads and bridges, we need to bring this funding formula up to speed as well.

Unfortunately, the administration's proposal fails to do that, and instead of making any repairs to the highway trust fund, it leans on damaging tax hikes to pay for this broad range of unrelated policies.

The President has, indeed, proposed the largest set of tax hikes in more than a half a century. Economics 101 would teach you that tax increases aren't a clear and easy way to boost revenue, especially when your economy is already on fragile footing.

I hope our friends on the other side of the aisle will be willing to work with us to pass a true infrastructure bill, one that will, first and foremost, improve roads, bridges, airports, and other critical projects all across the country.

Notably, we must find a responsible way to pay for this, but tax hikes are not the answer. We have always had this idea in the highway trust fund that user fees—the people that buy gasoline and use the roadways—were the ones to pay for them, not pay for them out of general revenue. And I think we need to continue down this user-fee model, as opposed to deficit spending and adding to our debt.

Again, in closing, let me just say, if our Democratic friends want to act in a bipartisan way, there are people on this side of the aisle, including me, that would be happy to sit down and start talking. But, first of all, our Democratic colleagues must agree to abandon their long wish list of unrelated partisan provisions. They can't work with us on an infrastructure bill and then follow it with a reconciliation bill that includes the kitchen sink.

A bipartisan bill to rebuild our crumbling roads and bridges is possible. We have done it before, and we can do it again.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 34, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Jeff Merkley, Debbie Stabenow, Richard Blumenthal, Jacky Rosen, Michael F. Bennet, Tammy Duckworth, Amy Klobuchar, Jon Ossoff, Chris Van Hollen, Martin Heinrich, Mark R. Warner, Dianne Feinstein, Gary C. Peters, Kyrsten Sinema.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 54, nays 44, as follows:

(Rollcall Vote No. 156 Ex.)

YEAS—54

Baldwin	Carper	Feinstein
Bennet	Casey	Gillibrand
Blumenthal	Collins	Grassley
Booker	Coons	Hassan
Brown	Cortez Masto	Heinrich
Cantwell	Duckworth	Hickenlooper
Cardin	Durbin	Hirono

Kaine	Murphy	Shaheen
Kelly	Murray	Sinema
King	Ossoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Lujan	Reed	Van Hollen
Lummis	Rosen	Warner
Manchin	Rounds	Warnock
Markey	Sanders	Warren
Menendez	Schatz	Whitehouse
Merkley	Schumer	Wyden

NAYS—44

Barrasso	Graham	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

ANSWERED "PRESENT"—1

Burr

NOT VOTING—1

Scott (SC)

The PRESIDING OFFICER. The yeas are 54, the nays are 44, and one Senator responded "present."

The motion is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 2:56 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOKER).

COVID-19 HATE CRIMES ACT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

REMEMBERING WALTER FREDERICK MONDALE

Ms. KLOBUCHAR. Mr. President, as we await a very important moment for justice in my State today. Our work goes on.

I am here today, first of all, to acknowledge the loss of my mentor, Vice President Walter Mondale. He caught the Nation's attention fighting for justice. So, it is such a moment. He worked on the forefront of the right to counsel in the landmark case Gideon v. Wainwright.

He followed in the footsteps of Hubert Humphrey to arrive in the Senate. He did great things passing civil rights legislation.

As Vice President, he defined the office of the modern-day Vice President.

He was "Fritz" to us. He was our attorney general, our Senator, and our Vice President, and I know he is up there right now rooting for justice.

I am going to speak more about Walter Mondale next week. Senator SMITH,